

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii

March 13, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Consent to Assign General Lease No. SP-186, Anthony Locricchio, Assignor, to Anthony Locricchio, Barbara Locricchio, and Norman Andersen, Assignee, Puu Ka Pele Lots, Waimea, Canyon State Park, Kauai

APPLICANT:

Anthony Locricchio, as Assignor, to Anthony Locricchio, Barbara Locricchio and Norman Andersen, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 82, Puu Ka Pele Park Lots, Waimea (Kona), Kauai, Tax Map Key 1-4-02:79, as shown on the attached map labeled Exhibit A.

AREA:

1.11 acres, more or less

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:
YES _____ NO _____ X _____

CHARACTER OF USE:

Recreation – residence

ITEM E-1

TERM OF LEASE:

20 years, commencing on January 1, 2009 and expiring on December 31, 2029.
There is one rental reopening scheduled after 10 years.

ANNUAL RENTAL:

\$7,000 per annum for first 10 years

CONSIDERATION:

None

RECOMMENDED PREMIUM:

None

DCCA VERIFICATION:

N/A because all persons involved are individuals and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

Mr. And Mrs. Locricchio (and others) were the successful bidders at auction for the lease of this property in 1985. A holdover was issued to the Locricchios and Patricia Ewing in 2005. A revocable permit was issued only to Mr. Locricchio and subsequently renewed.

Act 223 (2008) and board action directed staff to negotiate new leases with existing permit holders so the new lease was issued to Mr. Locricchio only. Mr. Locricchio wishes to assign to himself, his wife (90% as tenants by the entirety), and Mr. Andersen (10% as tenant in common).

Lessee is in compliance with all lease terms and conditions. There have been no prior defaults.

Assignees have not had a lease, permit, easement or other disposition of State lands terminated within the lease five years due to non-compliance with such terms and conditions.

Rent re-opening is not scheduled until after 10 years. There are no outstanding rental reopening issues

No comments have been received from any agency or the community.

All assignees have the same address as presently specified in the lease. The lease provides that notice to one lessee at this address shall be deemed notice to all Lessees.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. SP-186 from Anthony Locricchio, as Assignor, to Anthony Locricchio, Barbara Locricchio, and Norman Andersen, as Assignee, subject to the following:

1. The standard term and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBITTAL:



LAURA H. THIELEN, Chairperson

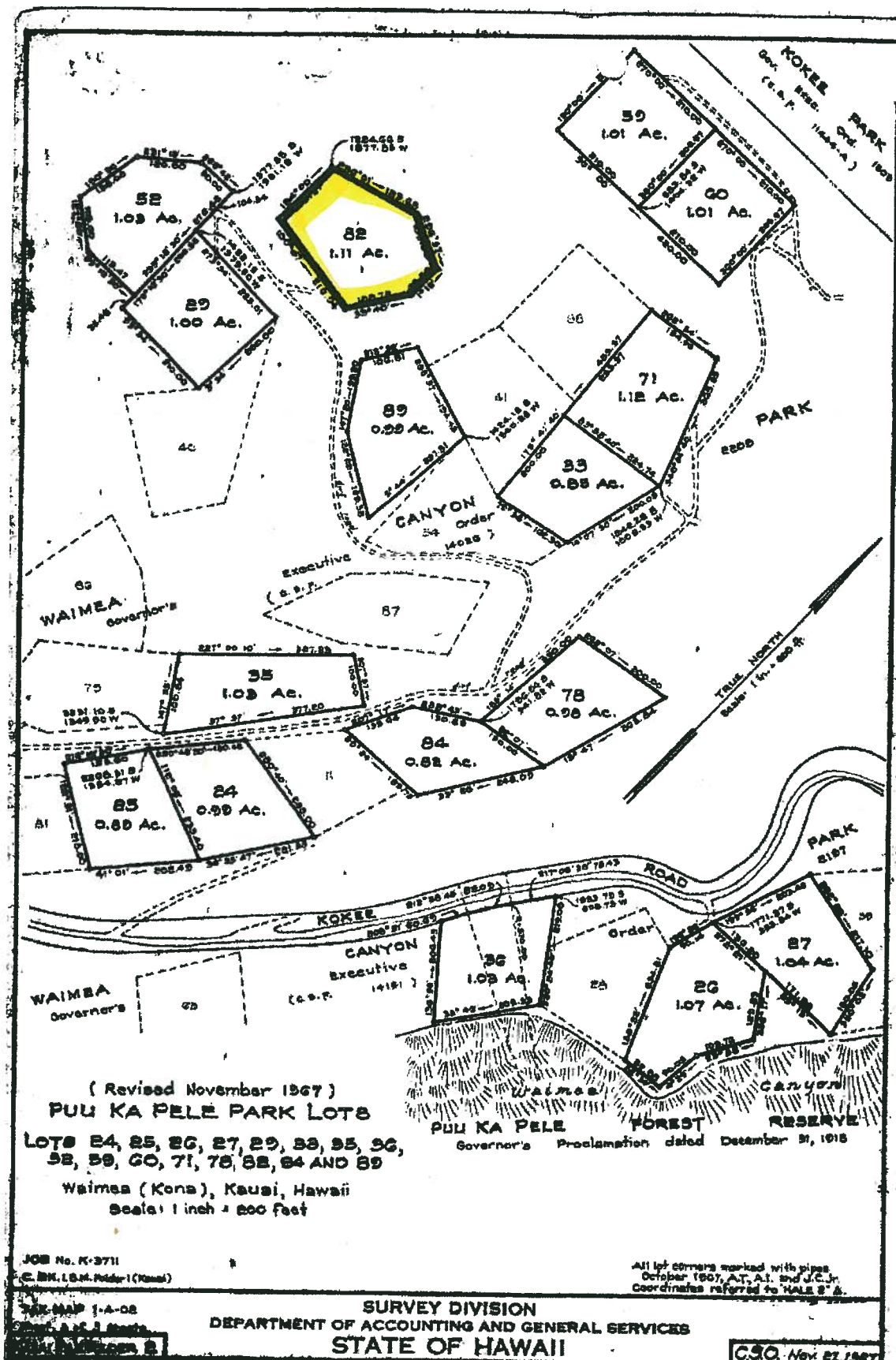


EXHIBIT A

To: William Wynhoff DAG.

From Anthony P. Locricchio

Please Forward to PARKS DEPARTMENT after your review,.

DATE: February 19, 2009

TO: DLNR, Department of Parks and Recreation

FROM: Anthony Locricchio

RE: Lease No. SP-0186, Lot 82, TMK: (4) 1-4-002:079

Please put the following item on the agenda for February 27, 2008:

People to add to my lease:

I would like to add my wife, Barbara Locricchio, who had been on the lease for the last 20 plus years, but was removed by DLNR staff for unknown reasons. While we attempted to have her sign the lease the staff would not permit it. To avoid any attempt to nullify the lease or delay past the required date I then was the only one listed when I signed the lease. The addition of name will correct the error made by DLNR Parks Department. Her addresss like mine is 903 Maunawili Circle, Kailua, Hawaii, 96734.

And lastly, I would like to add Norman Andersen whose address is also 903 Maunawili Circle, Kailua Hawaii 96734 on Oahu.

There would be no money or other monetary considerations of any kind exchanged in these additions.

If there are any questions please contact me immediately.

Anthony P. Locricchio